UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,495	10/22/2001	Kenneth S. Franzel	Q01-1026-US1	7348

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EXAMINER
UNELUS, ERNEST

ART UNIT	PAPER NUMBER
2181	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/003,495	FRANZEL, KENNETH S.
	Examiner	**Art Unit**	
	ERNEST UNELUS	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _29 September 2008_.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-5 and 7-43_ is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-5 and 7-43_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _10/22/01_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a) ☐ All　b) ☐ Some * c) ☐ None of:
　　　1. ☐ Certified copies of the priority documents have been received.
　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

RESPONSE TO AMENDMENT

Claim rejections based on prior art

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 09/29/08 has been entered.

Applicant's arguments filed 09/29/2008 with respect to claims 1-5 and 7-43 have been

fully considered but are moot in view of the new ground(s) of rejection.

The rejection(s) of claim(s) 1-5 and 7-43 under Soetemans et al. (US pub. 2003/0058618)

and Golden et al. (US pat. 6,452,924) have been fully considered and is not persuasive.

However, base on the amendment, the rejection has been withdrawn. Therefore, upon further

consideration, a new ground(s) of rejection is made in view of Soetemans et al. (US pub.

2003/0058618) in view of Gallagher et al. (US pat. 6,742,068).

Applicant cancelled claim 6

INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

The applicant's oath/declaration has been reviewed by the examiner and is found to

conform to the requirements prescribed in 37 C.F.R. 1.63.

INFORMATION CONCERNING DRAWINGS

Drawings

1.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s).

   a.   **Claims 1-5 and 7-43**, no drawing shows the claimed configuration circuit to include an instruction memory, a processor, and a configuration memory.

2.   **No new matter should be entered.**

3.   **Correction is required.**

4.   Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

OBJECTIONS TO THE SPECIFICATION

Specification Objections

5.   The disclosure is objected to because of the following informalities:

6.   A configuration circuit to include an instruction memory, a processor, and a configuration

memory is not discloses in the specification.

7.   Appropriate correction is required.

8.   Applicant's cooperation is requested in correcting any other errors of which applicant

may become aware in the specification.

REJECTIONS NOT BASED ON PRIOR ART

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

2.   **Claims 1-5 and 7-43** are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. **The applicant's specification doesn't disclose a configuration circuit to**

include an instruction memory, a processor, and a configuration memory.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   **Claims 1-5, 7-10, 12, 15-23, 25-31, 33, and 34,** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Soetemans et al. (US pub. 2003/0058618) in view of Gallagher et al.

(US pat. 6,742,068).

3.   In re **claim 1**, Soetemans discloses a network backplane interface **[125, figs 3-**

5; paragraph 0003, line 6] for a local network **[paragraph 0003, lines 1-7]**, comprising:

(a) a circuit board **[paragraph 0003, line 5; paragraph 0015, lines 1-4]**; (b) a plurality of

sockets **[paragraph 0003, line 7, paragraph 0015, line 4]** connected to the circuit board for

receiving plug-in network devices; (c) power lines on the circuit board to one or more of

plurality of the sockets for powering a plug-in network device when placed in each socket

[paragraph 0023, lines 9-12]; (d) communication lines on the circuit board to one or more of

the plurality of the sockets for communication with a plug-i_n network when placed in each socket

[paragraph 0025] and (e) a housing for the circuit board, power lines and communication lines,

including openings for exposing said sockets **[1 and 125 in figs 1 1A, 1B, and 3]**.

but fails to disclose expressly a network interface for communication between the plug-in

network and an external network, and

(g) a configuration circuit on the circuit board, wherein the configuration circuit is

operable **(intended use language)** to communicate with a plug-in device in a socket to identify

the plug-in device and configure the plug-in device, and the configuration circuit includes:

an instruction memory operable **(intended use language)** to store configuration

instructions for configuring one or more different plug-in devices to perform one or more

corresponding desired functions, and

a processor operable **(intended use language)** to execute the configuration instructions to

communicate with a plug-in device in a socket, and configure the device,

wherein the configuration circuit includes a configuration memory operable **(intended**

use language) to store configuration information for a plurality of predetermined plug-in device

types, and

the configuration circuit is operable **(intended use language)** to receive the configuration

associated with a device from the device, wherein executing the configuration instructions

configures the device based on the configuration information.

Gallagher discloses a network interface for communication between the plug-in network

and an external network **(see col. 9, lines 16-48)**, and

(g) a configuration circuit **(motherboard 67)** on the circuit board, wherein the

configuration circuit is

operable **(intended use language)** to communicate with a plug-in device in a socket to identify

the plug-in device and configure the plug-in device, and the configuration circuit includes:

an instruction memory <u>operable</u> **(intended use language)** to store configuration

instructions for configuring one or more different plug-in devices to perform one or more

corresponding desired functions, and

a processor <u>operable</u> **(intended use language)** to execute the configuration instructions to

communicate with a plug-in device in a socket, and configure the device,

wherein the configuration circuit includes a configuration memory <u>operable</u> **(intended**

use language) to store configuration information for a plurality of predetermined plug-in device

types, and

the configuration circuit is <u>operable</u> **(intended use language)** to receive the configuration

associated with a device from the device, wherein executing the configuration instructions

configures the device based on the configuration information **(see figures 5C-5E and col. 9,**

lines 16-30).

Soetemans et al. (US pub. 2003/0058618) and Gallagher et al. (US pat. 6,742,068) are

analogous art because they are from the same field of motherboard.

at the time of the invention it would have been obvious to a person of ordinary skill in the

art to modify a method and apparatus for providing a common support services infrastructure

that allows a network element shelf to be used with circuit card configurations that provide

enhanced and/or new data path functionality without requiring the expensive and time

consuming redesign of the entire shelf unit as described by Soetemans the data server includes a

backplane having a first electrical connector adapted for coupling to a DC power supply as

taught by Gallagher.

The motivation for doing so would have been because Gallagher teaches that **("The partitioning members of one of the shelves may be removed from, or inserted onto, the shelf without interrupting operation of the modules on the other shelves"; see col. 2, lines 44-47)**.

Therefore, it would have been obvious to combine Gallagher et al. (US pat. 6,742,068) with Soetemans et al. (US pub. 2003/0058618) for the benefit of creating a network backplane interface for a local network to obtain the invention as specified in claim 1.

4.   In re claim 2, Soetemans et al. shows a communication controller [120a, 120b, fig 3] which allows communication between the plug-in devices.

5.   In re claim 3, Gallagher et al. shows wherein the configuration circuit is further operable to generate a user interface based on the component information, to cause display of the user interface, to receive a configuration command for the device via the user interface, and to configure the device based on the configuration command (see col. 9, lines 16-48).

6.   In re claim 4, Gallagher et al. shows wherein the desired functions comprise a modem function, a broadband access function, firewall security protection, a router function, a hub function, a switch function, a network-attached storage function, a printer server function, or a combination thereof (see col. 9, lines 16-48).

7.   In re claim 5, Soetemans et al. shows (1) memory [inherent feature of having a

profile, paragraph 0032, lines 16-18] for storing configuration instructions for configuring

one or more plug-in devices, and (2) processor [controllers, paragraph 0032, line 17] for

executing the configuration instructions to network communication.

8.   In re claim 7, Golden et al. shows wherein the network interface comprises a multiple

100baseT Ethernet connector (see col. 7, lines 1-19).

9.   In re claim 8, Soetemans et al. shows an embedded configuration module [paragraph

0032, lines 16-18; fig 6] to configure plug-in devices in a configuration session.

10.   In re claim 9, Soetemans et al. shows the configuration module configures all plug-in

devices in one configuration session [paragraph 13, lines 39-45; fig 6].

11.   In re claim 10, Soetemans et al. shows a platform-independent configuration software

[paragraph 0006, lines 13-22].

12.   In re claim 12, Soetemans et al. shows at least one socket is dedicated to connection and

communication with an external network [paragraph 0033, line 7].

13.   In re claim 15, Soetemans et al. shows a R J-45 socket [paragraph 0033, line7].

14.   In re claim 16, Soetemans et al. shows a socket comprises a proprietary

connector combining power and data connections [paragraph 0016; paragraph 0030,

lines 0030, lines 17-21; figs 2A, 2B].

15.   In re **claim 17**, Soetemans discloses a network backplane interface [125, figs

3-5; paragraph 0003, line 6] for a local network [paragraph 0003, lines 1-7], comprising:

(a) a plurality of sockets **[paragraph 0003, line 7; paragraph 0015, line 4]** for receiving plug-in

network devices; (b) power lines to one or more sockets for powering a plug-in network device

in each socket **[paragraph 0023, lines 9-12]**; (c) communication lines to each socket for

communication with the plug-in network devices **[paragraph 0025]**; and (d) a configuration

module for functional configuration of one or more plug-in devices, wherein the configuration

module communicates with each plug-in device in each socket to identify the plug-in device and

configure function of the plug-in device to perform desired functions **[paragraph 6; paragraph**

0026; paragraph 0037].

        but fails to disclose expressly a network interface for communication between the plug-in

network and an external network.

        Gallagher discloses a network interface for communication between the plug-in network

and an external network **(see col. 9, lines 16-48)**, and

        Soetemans et al. (US pub. 2003/0058618) and Gallagher et al. (US pat. 6,742,068) are

analogous art because they are from the same field of motherboard.

        at the time of the invention it would have been obvious to a person of ordinary skill in the

art to modify a method and apparatus for providing a common support services infrastructure

that allows a network element shelf to be used with circuit card configurations that provide

enhanced and/or new data path functionality without requiring the expensive and time

consuming redesign of the entire shelf unit as described by Soetemans the data server includes a

backplane having a first electrical connector adapted for coupling to a DC power supply as

taught by Gallagher.

The motivation for doing so would have been because Gallagher teaches that **("The**

partitioning members of one of the shelves may be removed from, or inserted onto, the

shelf without interrupting operation of the modules on the other shelves"; see col. 2, lines

44-47).

Therefore, it would have been obvious to combine Gallagher et al. (US pat. 6,742,068)

with Soetemans et al. (US pub. 2003/0058618) for the benefit of creating a network backplane

interface for a local network to obtain the invention as specified in claim 17.

16.   In re claim 18, Soetemans et al. shows (1) memory [120a, fig 3; paragraph 0038] for

storing configuration instructions for configuring one or more different plug-in devices, and (2)

processor [120a, fig 3; paragraph 0038] for executing the configuration instructions to

communicate with a plug-in device in a socket, and configure that device for network

communication.

17.   In re claim 19, Soetemans et al. shows a configuration memory [120a, fig 3] having

configuration information for a plurality of predetermined plug-in device types [paragraph 0039,

lines 1-2].

18.   In re claim 20, Soetemans et al. shows extended configuration memory [120b, fig 3] for storing configuration information for additional device types.

19.   In re claim 21, Soetemans et al. shows the configuration module allows configuring of plug-in devices in a configuration session for network communication among the plug-in devices [fig 6].

20.   In re claim 22, Soetemans et al. shows configures all plug-in devices in one configuration session [fig 6].

21.   In re claim 23, Soetemans et al. shows a platform-independent configuration software [fig 6].

22.   In re **claim 25**, Soetemans discloses a network interface module **[125, figs 3-5; paragraph 0003, line 6]** for a local network **[paragraph 0003, lines 1-7]**, comprising:
(a) a circuit board **[backplane, paragraph 0015, lines 8]** having a plurality of sockets **[paragraph 0003, line 7; paragraph 0015, lines 4, and 8]** for receiving plug-in network devices; (b) power lines on the circuit board **[paragraph 0015, line 12]** to one or more sockets for powering a plug-in network device in each socket **[paragraph 0023, lines 9-12]**; (c) a switch on the circuit board **[515a, paragraph 0034, line 14; fig 5]**, connected to one or more of the sockets allowing communication with plug-in network devices when placed in one or more of

the sockets **[120a, 120b, fig 3]**; and (d) a configuration module on the circuit board for functional

configuration of one or more plug-in devices, wherein the configuration module communicates

with each plug-in device in each socket to identify the plug-in device and configure the plug-in

device to perform selected functions **[fig 6; paragraph 0026; paragraph 0037].**

but fails to disclose expressly a network interface for communication between the plug-in

network and an external network.

Gallagher discloses a network interface for communication between the plug-in network

and an external network **(see col. 9, lines 16-48)**, and

Soetemans et al. (US pub. 2003/0058618) and Gallagher et al. (US pat. 6,742,068) are

analogous art because they are from the same field of motherboard.

at the time of the invention it would have been obvious to a person of ordinary skill in the

art to modify a method and apparatus for providing a common support services infrastructure

that allows a network element shelf to be used with circuit card configurations that provide

enhanced and/or new data path functionality without requiring the expensive and time

consuming redesign of the entire shelf unit as described by Soetemans the data server includes a

backplane having a first electrical connector adapted for coupling to a DC power supply as

taught by Gallagher.

The motivation for doing so would have been because Gallagher teaches that **("The**

partitioning members of one of the shelves may be removed from, or inserted onto, the

shelf without interrupting operation of the modules on the other shelves"; see col. 2, lines

44-47).

Therefore, it would have been obvious to combine Gallagher et al. (US pat. 6,742,068) with Soetemans et al. (US pub. 2003/0058618) for the benefit of creating a network backplane interface for a local network to obtain the invention as specified in claim 25.

23.   Claims 26-31, and 33 are rejected under the same rationale as discussed above in claims 18-23.

24.   In re claim 34, Soetemans et al. shows a printed Circuit board [paragraph 0003, line 5].

25.   Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soetemans et al., US Patent no. 6,289,405 in view of Gallagher et al. (US pat. 6,742,068) and further in view of Trans, USPGPUB no. 20020181633.

26.   In re claims 13, and 14, Soetemans et al. does not show a security module. However, the security module is well known in the art of computer communication to have the secure module for having secure communication. Trans shows a security module [paragraph 0100, line 17-18] for Ethernet UTP applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the security module because it would provide a secure system.

27.   Claims 11, 24, 32, 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Soetemans et al., US Patent no. 6,289,405 in view of Gallagher et al. (US pat. 6,742,068) and

further in view of Kim et al., USPAT No. 6,473,788.

28.   In re claims 11, 24, 32, 35-39, and 41-42, Soetemans et al. does not show a user interface

for receiving user configuration commands to configure each plug-in and the backplane, the

common user interface is platform and operating system independent, utilizing a common

communication protocol between the plug-ins and the configuration module, graphical user

interface, the configurations circuit is centralized to the backplane, a web browser; if a device is

not recognized by the configuration circuit, then the configuration circuit obtains configuration

instructions for the unrecognized device from a source external to the configuration circuit; if a

plug-in device is not recognized by the configuration circuit, then the configuration circuit

obtains configuration instructions for the unrecognized device from a user.

However, Kim et al. shows the user interface for receiving user configuration commands

to configure each plug-in and the backplane, the common user interface is platform and

operating system independent, utilizing a common communication protocol between the plug-ins

and the configuration module, graphical user interface, the configurations circuit is centralized to

the backplane, a web browser [150, fig 10; S13040, fig 13B]; if a device is not recognized by the

configuration circuit, then the configuration circuit obtains configuration instructions for the

unrecognized device from a source external to the configuration circuit [S1425, fig 14], if a plug-

in device is not recognized by the configuration circuit, then the configuration circuit obtains

configuration instructions for the unrecognized device from a user [S1424, fig 14].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the user interface for receiving user configuration commands to configure each plug-in and the backplane, the common user interface is platform and operating system independent, utilizing a common communication protocol between the plug-ins and the configuration module, graphical user interface, the configurations circuit is centralized to the backplane, a web browser; if a device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a source external to the configuration circuit; if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a user because it would provide a user-friendly system by allowing to have a user interface with more flexible by allowing it to operate in multiple configurations.

29.   In re claim 40, Soetemans et al. shows embedded configuration instructions for configuring one or more different plug-in devices, such that the configuration circuit uses identity of each plug-in device to obtain corresponding configuration instructions for configuring the different plug-in devices [fig 6].

30.   In re claim 43, Soetemans et al. shows if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from the unrecognized device itself [fig 6].

RELEVANT ART CITED BY THE EXAMINER

31.   The following prior art made of record and not relied upon is cited to establish the

level of skill in the applicant's art and those arts considered reasonably pertinent to

applicant's disclosure. See MPEP 707.05(c).

32.   The following references teach a network backplane for a local network.

U.S. PATENT NUMBER

US 2002/0161926; 5,656,680

CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

33.   The following is a summary of the treatment and status of all claims in the application as

recommended by **M.P.E.P. 707.07(i)**:

a(1) CLAIMS REJECTED IN THE APPLICATION

34.   Per the instant office action, claims 1-5 and 7-43 have received a first action on the merits

and are subject of a first action non-final.

DIRECTION OF FUTURE CORRESPONDENCES

35.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ernest Unelus whose telephone number is (571) 272-

8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

IMPORTANT NOTE

36.   If attempts to reach the above noted Examiner by telephone are unsuccessful,

the Examiner's supervisor, Mr. Alford Kindred, can be reached at the following telephone

number: Area Code (571) 272-4037.

The fax phone number for the organization where this application or proceeding

is assigned is 571-273-8300. Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through Private

PAIR only. For more information about the PMR system, see her//pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217- 91 97 (toll-free).

November 18, 2008   Ernest Unelus
                                                             Patent Examiner
                                                             Art Unit 2181

/E. U./

Examiner, Art Unit 2181

/Niketa I. Patel/

Primary Examiner, Art Unit 2181